

SECOND REGULAR SESSION

# HOUSE BILL NO. 1596

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RHOADS (Sponsor), RICHARDSON, STREAM, KOENIG, ZERR, ENGLISH, LEARA, BLACK, ROORDA, FUNDERBURK, KRATKY, CORNEJO, HUMMEL, HAEFNER, SCHUPP, MONTECILLO, PIERSON, PHILLIPS, WALTON GRAY, MCCAHERTY AND HINSON (Co-sponsors).

5400H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 84.340 and 571.030, RSMo, and to enact in lieu thereof three new sections relating to corporate security advisors, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 84.340 and 571.030, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 84.340, 571.030 and 590.750, to read as follows:

84.340. **Except as provided under section 590.750**, the police commissioner of the said cities shall have power to regulate and license all private watchmen, private detectives and private policemen, serving or acting as such in said cities, and no person shall act as such private watchman, private detective or private policeman in said cities without first having obtained the written license of the president or acting president of said police commissioners of the said cities, under pain of being guilty of a misdemeanor.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of  
10 lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,  
12 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon  
13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless  
14 acting in self-defense; or

15 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
16 courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or  
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church  
20 or place where people have assembled for worship, or into any election precinct on any election  
21 day, or into any building owned or occupied by any agency of the federal government, state  
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any  
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable  
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity  
28 sponsored or sanctioned by school officials or the district school board.

29 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the  
30 persons described in this subsection, regardless of whether such uses are reasonably associated  
31 with or are necessary to the fulfillment of such person's official duties except as otherwise  
32 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section  
33 shall not apply to or affect any of the following persons, when such uses are reasonably  
34 associated with or are necessary to the fulfillment of such person's official duties, except as  
35 otherwise provided in this subsection:

36 (1) All state, county and municipal peace officers who have completed the training  
37 required by the police officer standards and training commission pursuant to sections 590.030  
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal  
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether  
40 such officers are on or off duty, and whether such officers are within or outside of the law  
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection  
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or  
43 any person summoned by such officers to assist in making arrests or preserving the peace while  
44 actually engaged in assisting such officer;

45 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
46 institutions for the detention of persons accused or convicted of crime;

47 (3) Members of the Armed Forces or National Guard while performing their official  
48 duty;

49 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
50 judicial power of the state and those persons vested by Article III of the Constitution of the  
51 United States with the judicial power of the United States, the members of the federal judiciary;

52 (5) Any person whose bona fide duty is to execute process, civil or criminal;

53 (6) Any federal probation officer or federal flight deck officer as defined under the  
54 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers  
55 are on duty, or within the law enforcement agency's jurisdiction;

56 (7) Any state probation or parole officer, including supervisors and members of the  
57 board of probation and parole;

58 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
59 of the regulations established by the [board of police commissioners under section 84.340]  
60 **department of public safety under section 590.750;**

61 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

62 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney  
63 or assistant circuit attorney who has completed the firearms safety training course required under  
64 subsection 2 of section 571.111;

65 (11) Any member of a fire department or fire protection district who is employed on a  
66 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued  
67 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such  
68 uses are reasonably associated with or are necessary to the fulfillment of such person's official  
69 duties; and

70 (12) Upon the written approval of the governing body of a fire department or fire  
71 protection district, any paid fire department or fire protection district chief who is employed on  
72 a full-time basis and who has a valid concealed carry endorsement, when such uses are  
73 reasonably associated with or are necessary to the fulfillment of such person's official duties.

74 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
75 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
76 ammunition is not readily accessible or when such weapons are not readily accessible.  
77 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
78 age or older or eighteen years of age or older and a member of the United States Armed Forces,  
79 or honorably discharged from the United States Armed Forces, transporting a concealable  
80 firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm

81 is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm  
82 or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon  
83 premises over which the actor has possession, authority or control, or is traveling in a continuous  
84 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not  
85 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises  
86 for the purposes of transporting a student to or from school, or possessed by an adult for the  
87 purposes of facilitation of a school-sanctioned firearm-related event or club event.

88 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
89 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,  
90 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or  
91 endorsement to carry concealed firearms issued by another state or political subdivision of  
92 another state.

93 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall  
94 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

95 6. Notwithstanding any provision of this section to the contrary, the state shall not  
96 prohibit any state employee from having a firearm in the employee's vehicle on the state's  
97 property provided that the vehicle is locked and the firearm is not visible. This subsection shall  
98 only apply to the state as an employer when the state employee's vehicle is on property owned  
99 or leased by the state and the state employee is conducting activities within the scope of his or  
100 her employment. For the purposes of this subsection, "state employee" means an employee of  
101 the executive, legislative, or judicial branch of the government of the state of Missouri.

102 7. Nothing in this section shall make it unlawful for a student to actually participate in  
103 school-sanctioned gun safety courses, student military or ROTC courses, or other  
104 school-sponsored or club-sponsored firearm-related events, provided the student does not carry  
105 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or  
106 onto the premises of any other function or activity sponsored or sanctioned by school officials  
107 or the district school board.

108 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
109 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
110 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
111 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
112 subsection 1 of this section, in which case it is a class B felony, except that if the violation of  
113 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
114 a class A felony.

115 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as  
116 follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

152 (1) A photographic identification issued by the agency from which the individual retired  
153 from service as a peace officer that indicates that the individual has, not less recently than one  
154 year before the date the individual is carrying the concealed firearm, been tested or otherwise  
155 found by the agency to meet the standards established by the agency for training and qualification  
156 for active peace officers to carry a firearm of the same type as the concealed firearm; or

157 (2) A photographic identification issued by the agency from which the individual retired  
158 from service as a peace officer; and

159 (3) A certification issued by the state in which the individual resides that indicates that  
160 the individual has, not less recently than one year before the date the individual is carrying the  
161 concealed firearm, been tested or otherwise found by the state to meet the standards established  
162 by the state for training and qualification for active peace officers to carry a firearm of the same  
163 type as the concealed firearm.

**590.750. 1. The department of public safety shall have the authority to promulgate  
2 rules and regulate and license all corporate security advisors. Any person acting as a  
3 corporate security advisor without first obtaining the proper licensure from the  
4 department of public safety shall be guilty of a misdemeanor.**

**5 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
6 created under the authority delegated in this section shall become effective only if it  
7 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
8 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
9 vested with the general assembly under chapter 536 to review, to delay the effective date,  
10 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant  
11 of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be  
12 invalid and void.**

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